

SCHOOL LANDS.

RESOLUTIONS

OF

THE LEGISLATURE OF FLORIDA,

RELATIVE TO

The selection of school lands in eighths of sections in lieu of those included in Forbes's Purchase, the Arredondo Grant, and all other private claims.

MARCH 6, 1848.

Referred to the Committee on Public Lands, and ordered to be printed.

RESOLUTIONS relative to locating the school lands in eighths of sections.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress are hereby instructed, and our Representative requested, to procure the passage of an act giving to the State of Florida special authority to select and locate school lands in eighths of sections, in lieu of those included in Forbes's Purchase, the Arredondo Grant, and all other private claims.

Resolved further, That the register of public lands for the State of Florida is hereby instructed to forward a copy of the above resolution, and of the report accompanying the same, from the Committee on Schools and Colleges, to our Senators and Representative in Congress, together with a copy of the letter of the Commissioner of the General Land Office of May the 8th, 1846, addressed to the Hon. William H. Brockenbrough.

Passed the House of Representatives December 24, 1847.

JOHN CHAIN,

Speaker of the House of Representatives.

W. B. LANCASTER,

Clerk of the House of Representatives.

Passed the Senate December 28, 1847.

D. G. McLEAN,

President of the Senate.

C. W. DOWNING,

Secretary of the Senate.

Approved January 1, 1848.

W. D. MOSELEY.

[House Journal, pp. 112, 113—Monday, December 20, 1847.]

The following report from the Committee on Schools and Colleges was received and concurred in, viz:

The Committee on Schools and Colleges, to whom was referred a communication of the register of public lands, with an accompanying letter from the Commissioner of the General Land Office, beg leave respectfully to report:

That the Commissioner of the General Land Office has decided that existing laws do not authorize the selection of school lands in lieu of those included in "Forbes's Purchase" and the "Arredondo Grant." By an act of Congress to authorize the selection of school lands in Florida, Iowa, and Wisconsin Territories, it is provided that wherever sixteenth sections in either of the above named Territories are included in private claims, held by title confirmed or legally decided to be valid and sufficient, other lands, equivalent thereto, may be selected in lieu thereof. Again, by an act supplemental to the act for the admission of Florida into the Union, Congress has declared that there be granted to the State of Florida section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township. The Supreme Court of the United States has decided that the general government has no title to the tract of land known as "Forbes's Purchase." If so, then the land must be covered by some private claim. The same court has decided that there was a valid and sufficient title in Fernando de la Maza Arredondo to the tract of land known as the Arredondo Grant, and that the same had been confirmed by the treaty of amity, settlement, and limits, made between the United States and the King of Spain. Thus it has been decided legally that Forbes's Purchase was covered by some private claim, valid and sufficient so far as it concerns the United States, and that the Arredondo tract was held by a private title confirmed by treaty.

If the acts of Congress, the decisions of the Supreme Court, and a solemn treaty of the United States, are existing laws, then the committee are constrained to attribute the construction of the Commissioner of the General Land Office rather to his views of practicability, than a strict investigation of the law. The magnitude or extent of these grants does not render the title of the claimants thereto less valid, nor should the State be deprived of a part of its school lands because the tracts covered by private claims are extensive. The fact that these grants have not been surveyed, according to the established mode, cannot raise a question of law as to the title of the claimants, neither should it as to the right of the State to select school lands in lieu of those thus included. It is merely a question of practicability; and that, too, a trivial one, as the number of sections can be ascertained either by calculation or survey. The committee look upon this (under existing laws) as a matter of right, which should be rather demanded than implored; but not wishing the advancement of education by a protracted controversy with the department at Washington, they recommend that immediate application should be made to Congress for special authority to select and locate other school lands in lieu of those included in Forbes's Purchase and the Arredondo Grant. With these views, the committee ask leave to introduce the accompanying resolutions, and to be discharged from further consideration of the subject.

JOHN TANNER, *Chairman.*

[Extract.]

GENERAL LAND OFFICE,
May 8, 1846.

SIR: With regard to school lands for "Forbes's Purchase" and the "Arredondo Grant," special legislation is necessary, inasmuch as existing laws would not authorize any selections therefor.

With great respect, your obedient servant,

JAMES SHIELDS,
Commissioner.

Hon. W. H. BROCKENBROUGH,
House of Representatives.

THE LEGISLATURE OF FLORIDA.

SENATE.

In certain sections of land granted by the United States to Florida for the purpose of fixing her seat of government.

MARCH 6, 1846.

Referred to the Committee on Public Lands, and ordered to be printed.

PREAMBLE AND RESOLUTIONS in relation to certain sections of land granted by the United States to Florida for the purpose of fixing her seat of government.

Whereas the Congress of the United States, by an act supplemental to "An act for the admission of Florida into the Union, and for other purposes," approved the third of March, eighteen hundred and forty-five, in consideration of the concessions made by the State of Florida in respect to the public lands, do wish that the said State shall never interfere with the primary disposal of the public lands lying within her borders, nor levy any tax on the same, whilst remaining the property of the United States; do grant to this State, amongst other lands, for other uses, the following, viz: "Eight entire sections of land for the purpose of fixing their seat of government." And whereas the terms of said grant have been construed by the Commissioner of the General Land Office as construed in by the Secretary of the Treasury, it is required that the whole of these eight sections should be located in one body, or such part as may be left over by the proper authorities of Florida as their seat of government, and that the seat of government shall be fixed upon the lands thus granted." And whereas such construction would greatly defeat the great object of said grant, it being almost impossible, at this time, to locate in any one body a large quantity of land, worth locating, by reason of the extensive sales made, locations already completed, and in progress, pre-emption secured, leased occupation rights established, and private claims recognized, by the United States. And whereas there is nothing in the terms of said grant which imperatively requires that the seat of government should be established upon the lands thus granted, while the previous legislation of Congress repels the idea:

Therefore be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly, That in the opinion of the Senate and House of Representatives of the State of Florida, it is the duty of the Legislature to pass an act to amend the act of the United States, approved the third of March, eighteen hundred and forty-five, in relation to the grant of land to the State of Florida for the purpose of fixing her seat of government, so that the seat of government may be fixed upon any other lands of the United States, and so that the seat of government may be fixed upon any other lands of the United States, and so that the seat of government may be fixed upon any other lands of the United States.

[House Journal, 4th 12th, 1852, at 12 o'clock, P. M.]

The following report was read, and the Committee on Education and the Territories, to which it was referred, reported, as follows:—

That, with regard to school lands in the Territory of Florida, the Committee on Education and the Territories, to which it was referred, reports, as follows:—

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JOHN TANNER, Chairman.